

Applicant(s): Kornowski et al.  
Application No.: 09/868,411  
Filed: June 14, 2001  
Page 14

PATENT  
Attorney Docket No.: MEDIV2010-2

## REMARKS

Claims 1-102 were pending in this application prior to this response. By the present communication, claims 10, 11, 13, 28, 29, 45, 46, 62, 63, 79, 80, 91 and 92, have been cancelled without prejudice as subject to a restriction requirement and will be introduced for prosecution in a divisional application. In addition, claims 58, 75 and 97-102 have been cancelled and claims 1-8, 12, 14-17, 19-27, 30-44, 47-53, 57, 59-61, 64-74, 76-78, 81-90 and 93-96, have been amended to define Applicants' invention with greater particularity. The amendments add no new matter, being fully supported by the Specification and original claims. Accordingly, claims 1-9, 12, 14-27, 30-44, 47-57, 59-61, 64-74, 76-78, 81-90 and 93-96 are currently pending in this application.

### The Response to the Restriction Requirement

In response to the Restriction Requirement mailed herein on January 13, 2004, Applicants elect, with traverse, Group I, consisting of Claims 1-9, 12, 14-27, 30-44, 47-61, 64-78, 81-90, and 93-102, drawn to five different methods and compositions involving administration of autologous bone marrow cells that may or may not have been subject to stimulation, hypoxia or conditioned media.

By the amendments to the claims herein, the Group II claims, consisting of claims 10, 11, 13, 28, 29, 45, 46, 62, 63, 79, 80, 91 and 92, have been cancelled without prejudice and will be introduced for prosecution in a divisional application.

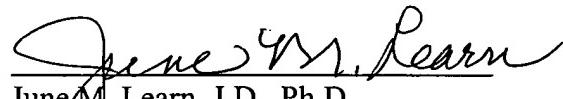
Applicant(s): Kornowski et al.  
Application No.: 09/868,411  
Filed: June 14, 2001  
Page 15

PATENT  
Attorney Docket No.: MEDIV2010-2

The Examiner is invited to contact Applicants' undersigned representative if there are any questions relating to this application.

Respectfully submitted,

Date: February 12, 2004

  
June M. Learn, J.D., Ph.D.  
Attorney for Applicants  
Registration No.: 31,238  
Telephone: (858) 677-1416  
Facsimile: (858) 677-1465

**USPTO CUSTOMER NUMBER 28213**  
GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133